

IO24877
-001



Fw: Incident report

Thomas Steeger to: Norman Spurling

02/05/2013 11:55 AM

From: Thomas Steeger/DC/USEPA/US
To: Norman Spurling/DC/USEPA/US@EPA

History: This message has been replied to and forwarded.

Beekill Incident Report.

Thomas Steeger, Ph.D.
Senior Science Advisor
Environmental Fate and Effects Division
Office of Pesticide Programs
(703) 305-5444 (office)



Bee Incident.pdf

IO 24877

Arizona Department of Agriculture
Environmental Services Division
Report of Investigation

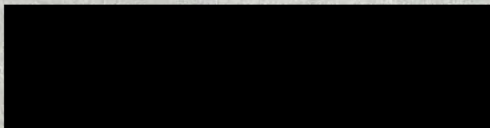
DATE OF REPORT: 10/12/12

REPORT No. 120809-01AI

INVESTIGATOR: Della Rodriguez
TITLE: Industrial Hygienist II
AGENCY: Arizona Department of Agriculture
DIVISION: Environmental Services
ADDRESS: 1688 W. Adams St.
Phoenix, AZ 85007
PHONE: (602) 542-0901

RESPONDENT 1: Sarita Aerial Contractors, Inc.
ADDRESS/PHONE: P.O. Box 286, Coolidge AZ 85228
520-723-5886

RESPONDENT 2:
ADDRESS/PHONE:



COMPLAINANT NAME:
ADDRESS/PHONE:



DATE OF COMPLAINT: August 2, 2012

TYPE OF COMPLAINT: Pesticide Use (Bee Kill/Drift)

PESTICIDE USED: Carbine EPA # 71512-279 & Intruder EPA # 8033-24-10163

71512-279-279

PRIORS:

SYNOPSIS:

On August 2, 2012 around 11 AM, I was assigned a case by compliance supervisor, Shelly Letcher, bees were dying in Florence. The allegations were that the insecticide Belay was sprayed to cotton fields by local grower while bees were foraging resulting in bee kills.

Mary Waymire collected bee samples the same day. I met with complainants the following day (8/3/12).

ASSIGNED: August 9, 2012

INVESTIGATION:

August 2, 2012

Mary Waymire, Pesticide Control Inspector, met with Bee Keeper [REDACTED] and his wife [REDACTED]. Mary collected several bee samples from several sites [REDACTED] was primarily complaining about his hives located near [REDACTED] and [REDACTED] [REDACTED] alleged that the pesticides Belay and Carbine had been applied which in turn killed his bees.

Sample 1: MMW287CR - [REDACTED] -- ½ full pint jar of dead bees
Sample 2: MMW288CR - [REDACTED] -- ½ full pint jar of dead bees
Sample 3: MMW289CR - [REDACTED] -- ½ full pint jar of dead bees
Note: bees were noticed dead on August 2nd

Sample 4: MMW290CR - ½ full pint jar of dead bees
Sample 5: MMW291CR - ½ full pint jar of dead bees
Note: bees were noticed dead on August 1st

Samples were dropped off at the lab on August 6, 2012 and were requested to be analyzed for Clothianidin (Belay) and Flonicamid (Carbine)

August 3, 2012

I met the Bee Keeper [REDACTED] at the cotton field in question located at the intersection of [REDACTED]. We met at the field located [REDACTED].

[REDACTED] stated that the field belonged to [REDACTED] and that they hired [REDACTED] to make a pesticide application on August 2, 2012 around six (6) in the morning. He alleged that [REDACTED] usually notified him before an application would take place, however [REDACTED] was out of town and [REDACTED] was not notified of the scheduled application. The application took place, bees were foraging in the field and his bees were killed. He estimated that there were 120 hives in that location (he had several locations) and that the approximate value of loss was of \$50,000 (60-70% mortality including the queen). Bee Samples 1 was taken here.

The same application was made to cotton fields farmed by [REDACTED] on the [REDACTED]. [REDACTED] alleged that he had 80 hives near the field and that he suffered 70-

80% mortality. Bee Samples 2-3 were taken here.

[redacted] had obtained permission from [redacted] to place bees near the flowering cotton approximately 0.3 mile West of the bee hives. [redacted] did not notify [redacted] in writing of the location of the bees. He alleged that [redacted] had been in the field and had recommended the pesticide application for [redacted] knows [redacted] but failed to notify him in the absence of [redacted]. He added that the application contained Belay Insecticide, which is toxic to bees, however that the [redacted] would falsify the application report for Carbine.

[redacted] feels that the PCA, Sarita, and [redacted] should be responsible for notifying him of applications, but most importantly the PCA and the aerial applicator should ensure that the label is followed. He believes in this case they both failed to follow the law and should take some responsibility. He reported the incident to the Sheriff's office - a police report was created (C-24.0)

I observed a large amount of dead bees by the wooden pallets. [redacted] stated that a lot had blown off with the wind.

[redacted] added that he had other bee colonies where he experienced bee kills as well. He believed that the growers in the area were applying Belay Herbicide. These sites included:

- Site 3 - [redacted]
[redacted] - 84 hives; 90% mortality - approximately 40,000 loss
- Site 4 - [redacted] - 28 hives - 40% mortality
- Site 5 - [redacted] - 40 hives - 30-40% loss
- Site 6 - [redacted]
[redacted] - 48 hives, 50% mortality - approximately 5,000
- Site 7 - [redacted] - 72 hives - 70% mortality
- Site 8 - [redacted] - 88 hives - 70% mortality

We drove to sites 6, 7 and 8.

Site 6-the bees had been moved - he had been informed by grower (Dennis Bagnall, Morning Star Farms PGP # 12887) of a scheduled pesticide application.

Site 7- the bee hives were located near alfalfa field. I observed a lot of dead bees on the ground by the wooden pallets. The cotton fields farmed by [redacted] were a couple of miles away. I did not inspect this farm.

Site 8 - farmed by [redacted] observed a lot of dead bees on the ground by the wooden pallets. Cotton fields surrounded the area.

I followed up with a farm inspection on this farm - read below.

I contacted Sarita and obtain copies of 1080 reports. 1080's (C-4.0) revealed that pesticide applications took place to [redacted] The

application took place at 8:05 and 9:15 of the morning of August 2, 2012. Carbine EPA # 71512-9-279 and Intruder (EPA # 8033-24-352) were applied. Intruder label specifies the following:

ENVIRONMENTAL HAZARDS

This product is toxic to wildlife. This product is toxic to bees exposed to direct treatment. Do not apply this product to treated area. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the low water mark. Do not contaminate water when disposing of equipment washwater or rinsate. Do not contaminate water used for irrigation.

Note: the 1080 reports did not make any notation that bees were in the area

Notice of Investigatory Proceedings was sent out via regular mail August 9, 2012 to Sarita Aerial Applicators and [REDACTED]

August 7, 2012

FARM INSPECTION

[REDACTED] was out of town, I met with Farm Manager, [REDACTED]. I informed him that I was investigating a bee kill. I provided him with his inspection notice, which he acknowledged with his signature. I conducted a WPS and Pesticide Use-storage Inspection.

WPS E015333

Discrepancies noted:

- Missing current application list
- No emergency medical information
- Single use towels were not provided

Pesticide Use – A003855

Discrepancies noted:

Pesticides were not secured at all times

Pesticide storage – pesticides were leaking and some containers did not have any labels

30-Day Re-Inspection (E-015211)

Current pesticide application list was posted

The Emergency medical information was not posted

Single use towels were provided

Pesticides were stored properly, however a couple containers were still missing labels

VIOLATIONS

Missing current application list

No emergency medical information

Single use towels were not provided

Unsecured pesticides

Single use towels were not provided

August 7, 2012

I collected two cotton foliage samples

DDR64CR - [REDACTED]

DDR65CR - [REDACTED]

Requested state lab to analyze them for Carbine and Belay

August 14, 2012

I requested pesticide sales records for [REDACTED] from Fertizona Casa (local dealer). The records revealed that [REDACTED] did not purchase Belay products for the last two years.

August 31, 2012

I received a letter from Mr. John Pew/Sarita Aerial Contractors. He was responding to the NOIP letter I sent him (B-6.0).

Mr. Pew stated that he was not notified by either, the Bee Keeper, the grower, or the PCA that there were bees in the area. He felt that that should be the Bee Keeper's responsibility. He added that due to the summer storms, it is "impossible" to do night-time applications.

September 6, 2012

I took some pesticide residue swab samples at electrical pump and water canal pipe near the bee hives on and near cotton fields [REDACTED]

DDR66CR

DDR67CR

DDR68CR

DDR69CR

September 6, 2012

JP 7050 I met with [REDACTED] [REDACTED] informed him that I was conducting an investigation on a bee kill and explained to him the details. He stated that he was not notified in writing by [REDACTED] that he had bees in the area. He was verbally notified and stated that he would communicate any scheduled applications to [REDACTED].

[REDACTED]
[REDACTED] AZ 85232
Florence

I conducted a WPS and Pesticide Use Inspection

(E-015205)

Several Discrepancies were noted:

- [REDACTED] could not verify training for his employees – 8 workers and 5 handlers. He said that they might have been trained because Bonnie Paredes with ESD had provided training for them in the past. He contacted her, but she had retired. ESD was not able to find any training records for the farm.
- There was no central posting location – no poster, no emergency medical information, no pesticide application list.

CORRECTIONS

September 27, 2012

██████████ provided me with a copy of training records for his employees. A total of seventeen (17) employees were trained as handlers, four (4) employees were from another farm location. He contracted Penny Malone (Trainer Cert # 4824) to conduct training. The training took place on that same day.

██████████ corrected the central posting discrepancies as well

VIOLATIONS

Failed to verify training for 8 workers and 5 handlers

No central posting location – no poster, no emergency medical information, no pesticide application list.

SARITA AERIAL APPLICATOR – RECORDS INSPECTION

September 12, 2012

I contacted Mr. Pew to do schedule a records inspection. I informed him that I was investigating a bee kill and that it was alleged that the cause could have been as result of pesticide applications. I went over the details with him.

Mr. Pew stated that it is the responsibility of the Bee Keeper to notify them that bees are in the area and he failed to do that. He was not informed by anyone, nor was it stated on the 1080 as a precaution. He stated that he should not be held responsible and that if he was he was going to sue the Bee Keeper and the state.

I asked him if they can see the bees from the air, and he said that sometimes they are in conspicuous area and that they are often looking for people or cattle; they have to continue with schedule applications. He added in the summer time it's difficult to make applications in the night time due to storm activity.

September 18, 2012

I conducted a records inspection (CAR) for applicators/pilots Mr. John Pew and Frederick Worden B021313 and B021339. No discrepancies were noted.

CONCLUSION

██████████ Bee Keeper failed to notify in writing bee keepers in the area.

Sarita Aerial Contractors applied Intruder while bees were foraging in the area against label directions

PRELIMINARY LAB RESULTS

DDR66-69CR (SWABS) non detective

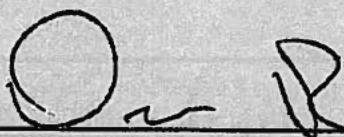
VIOLATIONS ALLEGED:

To be determine

PHOTOGRAPHS:

D - 1.0

Signature of Investigator:



Date:

10/12/12

"I declare under penalty of perjury under the laws of the State of Arizona that all information contained in this report and on all exhibit documents are true and correct."

Shelly Letcher

From: David Klein [dklein@azsal.gov]
Sent: Tuesday, October 02, 2012 8:17 AM
To: Shelly Letcher
Subject: FW: PR12-00091-00094 Acetamiprid, Clothianidin, Fonicamid summary

Hi Shelly,

We have some preliminary results for Della's samples DDR66CC - 69CR. They appear to all be ND for Acetamiprid & Clothianidin. Fonicamid appears to be in only one of the samples DDR67CR (PR12-00092) at 0.053 Ng/sq. in. These are just preliminary results still subject to review and QA. I just wanted to let you know what we had found so far. - David

Oh, have you decided on which pesticide you'll be collecting this month?

David Klein

Chemistry Manager

Arizona Department of Agriculture

State Agricultural Laboratory

1688 W Adams

Phoenix, AZ 85007

Phone: (602)744-4926

Fax: (602) 542-6109

Quality... from the land to you

From: Darren T. Nakamura
Sent: Monday, October 01, 2012 3:02 PM
To: David Klein
Subject: PR12-00091-00094 Acetamiprid, Clothianidin, Fonicamid summary

Here is the summary from the Excel file on it. The summary of the summary is that the only detection was fonicamid in sample PR12-00092.

Summary report for Acetamiprid

Sample	C18-3		Delta	Report	Rec %	ND?
PR12-00091-94 Ctrl	0.03			0.03	-	ND
PR12-00091-94 Spike	12600		0%	13000	97%	
PR12-00091-94 RB	0.007			0.03	-	ND
PR12-00091	0.01			0.03	-	ND
PR12-00092	0.008			0.03	-	ND
PR12-00093	0.004			0.03	-	ND

PR12-00094	0.005			0.03	-	ND
For consistency set MDL to 0.03 ng/l ²						

Summary report for Clothianidin

Sample	Ion A		Delta	Report	Rec %	ND?
PR12-00091-94 Ctrl	0.01			0.02	-	ND
PR12-00091-94 Spike	7580		0%	7400	70%	
PR12-00091-94 RB	0.007			0.02	-	ND
PR12-00091	0.002			0.02	-	ND
PR12-00092	0.02			0.02	-	ND
PR12-00093	0.01			0.02	-	ND
PR12-00094	0.0593			0.021	-	ND
For consistency set MDL to 0.02 ng/l ²						

Summary report for Flonicamid

Sample	Ion A	Ion B	Delta	Report	Rec %	ND?
PR12-00091-94 Ctrl	0.003	0.02		0.03	-	ND
PR12-00091-94 Spike	8640	8870	3%	8800	70%	
PR12-00091-94 RB	0.01	0.03		0.03	-	ND
PR12-00091	0.006	0.02		0.03	-	ND
PR12-00092	0.0512	0.0547	6%	0.053	-	
PR12-00093	0.007	0.03		0.03	-	ND
PR12-00094	0.008	0.02		0.03	-	ND
For consistency set MDL to 0.03 ng/l ²						



**Arizona Department of Agriculture
State Agricultural Laboratory
Sample Submission / Chain of Custody Record**

17-093

Collected at:	Address:	City/ST/Zip:			
Client (organization):	Contact/Phone:	Test/Analyte Request	Min	Max	SAL#
Client Sample # _____ Desc. _____ Commodity Class _____ Commodity Type _____ Liquid Solid Treatment _____ Registrant/Company _____ Address _____ EPA Reg. # _____ EPA Est./Co.# _____ Lot # _____ Lot size _____ Wt/unit _____ Sample Cost _____ Sampling Method: _____		1)			PR12-00092
		2)			
		3)			
		4)			
		5)			
		6)			
Client Sample # _____ Desc. _____ Commodity Class _____ Commodity Type _____ Liquid Solid Treatment _____ Registrant/Company _____ Address _____ EPA Reg. # _____ EPA Est./Co.# _____ Lot # _____ Lot size _____ Wt/unit _____ Sample Cost _____ Sampling Method: _____		1)			PR12-00093
		2)			
		3)			
		4)			
		5)			
		6)			
Client Sample # _____ Desc. _____ Commodity Class _____ Commodity Type _____ Liquid Solid Treatment _____ Registrant/Company _____ Address _____ EPA Reg. # _____ EPA Est./Co.# _____ Lot # _____ Lot size _____ Wt/unit _____ Sample Cost _____ Sampling Method: _____		1)			
		2)			
		3)			
		4)			
		5)			
		6)			

Remarks:

Collected By:	Date Collected:	Transfer Method	Temperature	Seals	Sample Condition
Transferred By:	Date Xferred:		Ambient On ice Frozen	N/A Intact Broken Missing	Acceptable Not Acceptable
Received By:	Date Rcvd:				
Transferred By:	Date Xferred:		Ambient On ice Frozen	N/A Intact Broken Missing	Acceptable Not Acceptable
Received By:	Date Rcvd:				
Transferred By:	Date Xferred:		Ambient On ice Frozen	N/A Intact Broken Missing	Acceptable Not Acceptable
Received By:	Date Rcvd:				
Transferred By:	Date Xferred:		Ambient On ice Frozen	N/A Intact Broken Missing	Acceptable Not Acceptable
Received By:	Date Rcvd:				
Received SAL:	Date Rcvd:				


Signing the Chain of Custody by an agent of the submitting agency or entity constitutes a contractual agreement to pay charges for related lab sample analyses and/or services per the State Agricultural Laboratory Fee Schedule in billings received within 30 days after completion.

Distribution: White Copy – State Agricultural Laboratory Yellow Copy – Laboratory Section Pink – Customer Control Office Goldenrod – Investigator/Inspector

Revised 02/2005

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Re: Fw: bee kill report, Florence, AZ: This wil be I024877-001 
Norman Spurling to: Thomas Steeger

02/08/2013 08:42 AM

From: Norman Spurling/DC/USEPA/US
To: Thomas Steeger/DC/USEPA/US@EPA

Thanks very much. I'll add that into the system.
Norman Spurling
6(a)(2) Coordination and Analysis Team Leader
OPP/ITRMD/ISB
703-305-5835

Thomas Steeger Date received from EPA Region 9 was 02/05/20...

02/08/2013 06:06:24 AM

From: Thomas Steeger/DC/USEPA/US
To: Norman Spurling/DC/USEPA/US@EPA
Cc: Robert Miller/DC/USEPA/US@EPA, Melissa Panger/DC/USEPA/US@EPA, Thomas Moriarty/DC/USEPA/US@EPA, Mary Clock-Rust/DC/USEPA/US@EPA
Date: 02/08/2013 06:06 AM
Subject: Re: Fw: bee kill report, Florence, AZ: This wil be I024877-001

Date received from EPA Region 9 was 02/05/2013. The report was forwarded by Patti L. TenBrook, Ph.D., Life Scientist, U.S. EPA Region 9, CED-5, 75 Hawthorne St., San Francisco, CA 94105).

Thomas Steeger, Ph.D.
Senior Science Advisor
Environmental Fate and Effects Division
Office of Pesticide Programs
(703) 305-5444 (office)

Norman Spurling Date received at EPA from Region 9? Norman S...

02/07/2013 03:00:25 PM

From: Norman Spurling/DC/USEPA/US
To: Thomas Steeger/DC/USEPA/US@EPA
Cc: Robert Miller/DC/USEPA/US@EPA, Melissa Panger/DC/USEPA/US@EPA, Thomas Moriarty/DC/USEPA/US@EPA, Mary Clock-Rust/DC/USEPA/US@EPA
Date: 02/07/2013 03:00 PM
Subject: Fw: bee kill report, Florence, AZ: This wil be I024877-001

Date received at EPA from Region 9?
Norman Spurling
6(a)(2) Coordination and Analysis Team Leader
OPP/ITRMD/ISB
703-305-5835

----- Forwarded by Norman Spurling/DC/USEPA/US on 02/07/2013 02:57 PM -----

From: Thomas Steeger/DC/USEPA/US
To: Norman Spurling/DC/USEPA/US@EPA
Date: 02/05/2013 11:55 AM
Subject: Fw: Incident report

Beekill Incident Report.

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Thomas Steeger, Ph.D.
Senior Science Advisor
Environmental Fate and Effects Division
Office of Pesticide Programs
(703) 305-5444 (office)

[attachment "Bee Incident.pdf" deleted by Thomas Steeger/DC/USEPA/US]